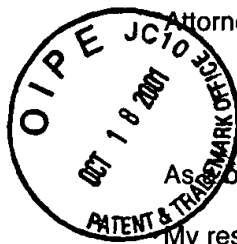


#9



Attorney's Docket No.: 5079P011

Patent

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND SYSTEM FOR COMPARISON-BASED PRIORITIZED BIT RATE CONVERSION

the specification of which

 is attached hereto.
 X was filed on (MM/DD/YYYY) May 29, 2001 as
United States Application Number 09/870,056
or PCT International Application Number
and was amended on (MM/DD/YYYY)
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
____	____	____	____	____
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
____	____	____	____	____
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
____	____	____	____	____

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

(Application Number) (Filing Date – MM/DD/YYYY)

(Application Number) (Filing Date – MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Number) (Filing Date – MM/DD/YYYY) (Status -- patented,
pending, abandoned)

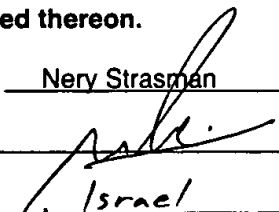
(Application Number) (Filing Date – MM/DD/YYYY) (Status -- patented,
pending, abandoned)

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Tarek N. Fahmi, **BLAKELY, SOKOLOFF, TAYLOR &**
(Name of Attorney or Agent)
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct
telephone calls to Tarek N. Fahmi, (408) 947.8200.
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Nery Strasman

Inventor's Signature  Date June 5, 2001

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Inventor's Signature  Date June 5, 2001

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Inventor's Signature  Date 5 June 2001

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Post Office Address _____

Full Name of Fourth/Joint Inventor Mark Lutsker

Inventor's Signature LUISKER Date 5^{June} 6. 2001

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Full Name of Fifth/Joint Inventor Lior Assouline

Inventor's Signature  Date 5. June. 2001

Residence Zihron Yarkov - ISRAEL Citizenship ISRAEL
(City, State) (Country)

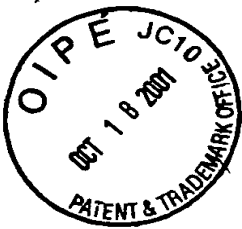
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Full Name of Sixth/Joint Inventor Amit Hildeshaim

Inventor's Signature  Date 5. June. 2001

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Post Office Address Hashita 19 Holon.



Applicant or Patentee: Amit Eshet, et al. Attorney's
Serial or Patent No.: 09/870,056 Docket No. 5079P011
Filed or Issued: May 29, 2001
For: METHOD AND SYSTEM FOR COMPARISON-BASED PRIORITIZED BIT RATE CONVERSION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9 (f) and 1.27(c) - - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: BIGBAND NETWORK, INC.

ADDRESS OF CONCERN: 6607 Dumbarton Circle, Fremont, California 94555

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

I hereby certify that to the best of my knowledge and belief rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled METHOD AND SYSTEM FOR COMPARISON-BASED PRIORITIZED BIT RATE CONVERSION

by inventor(s) Amit Eshet, Ran Oz and Nery Strasman
described in

- ☐ the specification being filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

and I have reviewed the document that evidences the conveyance of those rights. That document

- ☒ is being filed herewith.
☐ was recorded in the Patent and Trademark Office on _____, 19 ____
at reel _____ and frame _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and **no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 347 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).** NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____
ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Non-Profit Organization

NAME: _____
ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Non-Profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Am Oz
TITLE OF PERSON OTHER THAN OWNER: CTO
ADDRESS OF PERSON SIGNING: 37 Nahal Garton St. Modin 71700 Israel
SIGNATURE: [Signature] DATE: July-28-2001